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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**  
13 **DISTRICT OF NEVADA**

14 In re:

15 USA Commercial Mortgage Company,  
16 USA Capital Realty Advisors, LLC,<sup>1</sup>  
17 USA Capital Diversified Trust Deed Fund,  
18 LLC,  
19 USA Capital First Trust Deed Fund, LLC,<sup>2</sup>  
20 USA Securities, LLC,<sup>3</sup>

Debtors.

21 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

21 Case No. BK-S-06-10725-LBR<sup>1</sup>  
22 Case No. BK-S-06-10726-LBR<sup>1</sup>  
23 Case No. BK-S-06-10727-LBR<sup>2</sup>  
24 Case No. BK-S-06-10728-LBR<sup>2</sup>  
25 Case No. BK-S-06-10729-LBR<sup>3</sup>

26 **CHAPTER 11**

27 Jointly Administered Under Case No.  
28 BK-S-06-10725 LBR

29 **Status And Agenda For February 3,  
30 2009 Hearings**

31 Hearing Date: February 3, 2009  
32 Hearing Time: 9:30 a.m.  
33 10:30 a.m.

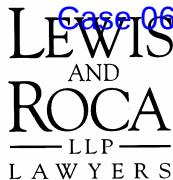
34 **Agenda for 9:30 a.m.**

35 1. **Status Hearing Re: Objection to Claim 1279 of Lerin Hills Ltd. in the  
36 amount of with Certificate of Service: 06-10725-lbr, USA Commercial Mortgage  
37 Company, Chapter 11**

38 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

39 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

40 <sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1      **Objection Filed:** Objection to Claim 1279 of Lerin Hills Ltd. in the amount of with  
 2      3/13/07 Certificate of Service filed by ROB CHARLES on behalf of  
 3      USACM LIQUIDATING TRUST [DE 3080]  
 4      **Reply Filed:** Reply to Objection of the USACM Liquidating Trust to Proof of  
 5      6/06/07 Claim File by Lerin Hills Ltd. (Claim No. 203 & 1279) Filed by  
 6      MARJORIE A. GUYMON on behalf of MOUNTAIN WEST  
 7      MORTGAGE, LLC [DE 3904]  
 8      **Status** Continued from 4/26/07, 6/15/07, 12/20/07, 2/21/08, 5/8/08  
 9

10     2. **Status Hearing Re: Objection to Claim 792 of Copper Sage**  
 11     **Commercial Center LLC in the amount of \$3,500,000.00 with Certificate of Service:**  
 12     06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

13     **Objection Filed:** Objection to Claim 792 of Copper Sage Commercial Center LLC  
 14     3/13/07 in the amount of \$3,500,000.00 with Certificate of Service filed  
 15     by ROB CHARLES on behalf of USACM LIQUIDATING  
 16     TRUST [DE 3077]

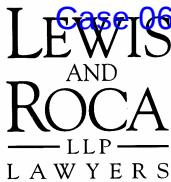
17     **Declaration Filed:** Declaration Of: Edward M. Burr in Support of USACM  
 18     3/13/07 Liquidating Trust Objections to Proofs of Claim and Motions to  
 19     Classify Claims Filed by ROB CHARLES on behalf of USACM  
 20     LIQUIDATING TRUST [DE 3082]

21     **Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN  
 22     4/19/07 WILLIAMS SCANN on behalf of COPPER SAGE COMMERCE  
 23     CENTER [DE 3502]

24     **Status** Continued from 4/26/07, 6/15/07, 10/15/07, 12/14/07, 2/21/08,  
 25     5/8/08

26     3. **Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in**  
 27     **the amount of \$2,048,000.00 with Certificate of Service:** 06-10725-lbr, USA  
 28     Commercial Mortgage Company, Chapter 11

29     **Objection Filed:** Objection to Claim 203 of Mountain West Mortgage Co./Lerin  
 30     3/13/07 Hills in the amount of \$2,048,000.00 with Certificate of Service  
 31     filed by ROB CHARLES on behalf of USACM LIQUIDATING  
 32     TRUST [DE 3078]



1      **Declaration Filed:** Declaration Of: Edward M. Burr in Support of USACM  
 2      3/13/07 Liquidating Trust Objections to Proofs of Claim and Motions to  
 3      Classify Claims Filed by ROB CHARLES on behalf of USACM  
 LIQUIDATING TRUST [DE 3082]  
 4      **Reply Filed:** Reply to Objection of the USACM Liquidating Trust to Proof of  
 5      6/06/07 Claim File by Lerin Hills LTD (Claim No. 203 & 1279) Filed by  
 6      MARJORIE A. GUYMON on behalf of MOUNTAIN WEST  
 MORTGAGE, LLC [DE 3904]  
 7      **Status** Continued from 4/26/07, 6/15/07, 10/15/07, 2/21/08, 5/8/08,  
 8      7/24/08

9      4.      **Status Conference Re: Amended Complaint:** 06-01212-lbr, Binford  
 10     Medical Developers, LLC et al v. Compass Financial Partners LLC et al

11     **Amended  
Complaint filed:** Amended Complaint Filed by SUSAN WILLIAMS SCANN on  
 12     9/12/07 behalf of BINFORD MEDICAL DEVELOPERS, LLC against  
 COMPASS FINANCIAL PARTNERS LLC [DE 80]

13     **Order filed:** Order Re Scheduling Conference. Scheduling Conference  
 14     12/17/08 scheduled for 2/3/2009 at 09:30 AM at LBR-Courtroom 1, Foley  
 Federal Bldg. [DE 132]

15     **Status** Continued from 1/17/07, 12/20/07, 4/17/08, 5/8/08, 7/24/08,  
 16     12/16/08

17      5.      **Status Hearing Re: Objection to Claim 784 of BINFORD MEDICAL  
DEVELOPERS:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

18     **Objection Filed:** Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS  
 19     12/11/06 in the amount of filed by LENARD E. SCHWARTZER on behalf  
 of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]

20     **Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN  
 21     12/29/06 WILLIAMS SCANN on behalf of BINFORD MEDICAL  
 DEVELOPERS, LLC [DE 2329]

22     **Reply Filed:** Reply In Support of Objection to Claim 784 of BINFORD  
 23     01/08/07 MEDICAL DEVELOPERS Filed by LENARD E.  
 SCHWARTZER on behalf of USA COMMERCIAL  
 MORTGAGE COMPANY [DE 2378]

1      **Status**

3      **6. Objection to Claim 10725-00368 of William Panek in the amount of  
\$48,047.32 with Certificate of Service:** 06-10725-lbr, USA Commercial Mortgage  
4      Company, Chapter 11

5      **Objection Filed:**      Objection to Claim 10725-00368 of William Panek in the amount  
6      1/02/09                      of \$48,047.32 with Certificate of Service filed by JOHN  
7                                      HINDERAKER on behalf of USACM LIQUIDATING TRUST  
[DE 6686]

8      **Status**                      No response filed.

9      **7. Objection to Claim 10725-00532 of Linda Merialdo Living Trust DTD  
8/6/02 in the amount of Unknown with Certificate of Service Filed in Wrong Debtor's  
Case; Objection of DTDF to Proposed Allowance of Proof of Claim:** 06-10725-lbr,  
11      USA Commercial Mortgage Company, Chapter 11

12      **Objection Filed:**      Objection to Claim 10725-00532 of Linda Merialdo Living Trust  
13      1/02/09                      DTD 8/6/02 in the amount of Unknown with Certificate of  
14                                      Service Filed in Wrong Debtor's Case; *Objection of DTDF to  
15                                      Proposed Allowance of Proof of Claim* filed by JOHN  
16                                      HINDERAKER on behalf of USACM LIQUIDATING TRUST  
[DE 6688]

17      **Status**                      The objection and notice were returned to Counsel. Counsel  
18                                      obtained a current mailing address and re-mailed the objection  
19                                      and notice to Claimant on January 20, 2009. Counsel will request  
that this hearing be continued to February 20, 2009

20      **8. Objection to Claim 10725-00370 of Sherman Simmons in the amount of  
\$96,094.65 with Certificate of Service Regarding Objection of USACM Trust to  
Proof of Claim of Sherman Simmons Filed In Wrong Debtor's Case; Objection to  
DTDF to Proposed Allowance of Claim:** 06-10725-lbr, USA Commercial Mortgage  
22      Company, Chapter 11

**Objection Filed:** Objection to Claim 10725-00370 of Sherman Simmons in the amount of \$96,094.65 with Certificate of Service *Regarding Objection of USACM Trust to Proof of Claim of Sherman Simmons Filed In Wrong Debtor's Case; Objection to DTDF to Proposed Allowance of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6690]  
1/02/09

**Status** No response filed.

**9. Objection to Claim 10725-01572 of William H. Lenhart Living Trust in the amount of \$243,794.27 with Certificate of Service Filed in Wrong Debtor's Case; objection of DTDF to Proposed Allowance of Claim: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

**Objection Filed:** Objection to Claim 10725-01572 of William H. Lenhart Living Trust in the amount of \$243,794.27 with Certificate of Service  
*Filed in Wrong Debtor's Case; objection of DTDF to Proposed Allowance of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6692]  
**1/02/09**

**Status** William Lenhart contacted counsel for USACM Trust directly. He does not object to disallowance of his claim to the extent it is based upon an investment in DTDF, but he claims also to assert claims based upon investments in Tapia Ranch and Placer Vinyard. Those claims are not reflected in the proof of claim, but he recently provided documentation to support them. The USACM Trust will ask the Court to grant the objection to the extent it relates to an investment in DTDF, but agree that the Court's order not affect any claims based upon investments in the Tapia Ranch and Placer Vinyards loans.

**10. Objection to Claim 10725-01435 of Philip L. and Mary Orndoff 1977 Family Trust in the amount of \$168,165.63 with Certificate of Service Filed in Wrong Debtor's Case; objection of DTDF to Proposed Allowance of Claim: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

**Objection Filed:** Objection to Claim 10725-01435 of Philip L. and Mary Orndoff 1977 Family Trust in the amount of \$168,165.63 with Certificate of Service *Filed in Wrong Debtor's Case; objection of DTDF to Proposed Allowance of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6694]

1/02/09

**Status** No response filed.

## Agenda for 10:30 a.m.

1. **Scheduling Conference:** 08-01058-lbr, USACM Liquidating Trust v. Los Valles Land & Golf, LLC et al

**Complaint filed:** Adversary case 08-01058. Complaint *USACM LIquidating Trust's Adversary complaint Against Los Valles Land & Golf, LLC* Filed by USACM LIQUIDATING TRUST vs. LOS VALLES LAND & GOLF, LLC [DE 1]

2/26/08

**Order filed:** Order Re Scheduling Conference. Scheduling Conference scheduled for 2/3/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 39]  
11/20/08

**Motion filed** Motion for Summary Judgment with *Certificate of Service* Filed  
12/22/08 by JOHN HINDERAKER on behalf of USACM LIQUIDATING  
TRUST [DE 40] (HINDERAKER, JOHN)

**Status** The parties are ready to proceed.

2. **Scheduling Conference:** 08-01118-lbr, USACM Liquidating Trust v. Cadeski

**Complaint filed:** Adversary case 08-01118. Complaint *To Avoid And Recover Pre-Petition Transfers* Filed by USACM LIQUIDATING TRUST vs. JERRY CADESKI, JERRY CADESKI [DE 1]  
4/11/08

**Order filed:** Order Re Scheduling Conference. Scheduling Conference scheduled for 2/3/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 19]  
11/20/08

**Status** Counsel for USACM Liquidating Trust will file a motion to dismiss.

1                   3.     **Status Hearing:** 08-01127-lbr, USACM Liquidating Trust v. Amesburyport  
2     Corporation

3     **Complaint filed:**     Adversary case 08-01127. Complaint Filed by USACM  
4     4/11/08                   LIQUIDATING TRUST vs. AMESBURYPORT  
5                                CORPORATION [DE 1]

6     **Order filed:**         Order Setting Status Hearing. Status hearing to be held on  
7     1/21/09                   2/3/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg.  
8                                [DE 19]

9     **Status**                 Counsel will inform the Court of the status at the hearing.  
10

11                   4.     **Status Hearing:** 08-01132-lbr, USA Capital Diversified Trust Deed Fund  
12     LLC v. Fulton

13     **Complaint filed:**     Adversary case 08-01132. Complaint Filed by USA CAPITAL  
14     4/11/08                   DIVERSIFIED TRUST DEED FUND LLC vs. STANLEY E  
15                                FULTON [DE 1]

16     **Order filed:**         Order Setting Status Hearing. Status hearing to be held on  
17     1/26/09                   2/3/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg.  
18                                [DE 22]

19     **Status**                 The Parties have not agreed to an extension of the discovery  
20                                deadlines and thus DTDF requests that the Court set a trial date.

21                               Dated January 30, 2009.

22                               **LEWIS AND ROCA LLP**

23                               By: /s/ RC (#6593)  
24                               Susan M. Freeman, AZ 4199 (*pro hac vice*)  
25                               Rob Charles, NV 6593  
26                               John Hinderaker, AZ 18024 (*pro hac vice*)  
                                  *Counsel for USACM Liquidating Trust*

1 PROOF OF SERVICE

2 COPY of the aforementioned sent via e-  
3 mail or U.S. First Class Mail on January  
4 30, 2009 to the parties listed on Post-  
5 Effective Official Service List for Limited  
6 Notice No. 4 Dated January 8, 2008.

7 /s/ Carrie Lawrence

8 Carrie Lawrence  
9 Lewis and Roca LLP

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